

14

General Civil Complaint

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGANMichael A-Kelly  
GENERAL DELIVERY  
BAY CITY MI 48707

Plaintiff(s).

Case:1:14-cv-14413

Judge: Ludington, Thomas L.

MJ: Morris, Patricia T.

Filed: 11-18-2014 At 12:05 PM

CMP Kelly v. McDonald (krk)

v. SEC. OF VET'S AFFAIRS  
MR. ROBERT MCDONALD  
810 VERMONT AVY NW  
WASHINGTON D.C.  
20420

Defendant(s).

COMPLAINT

- I.
- Defendant(s)
- . Print the full name for each defendant. If there are more defendants, use additional pages to provide their names.

Name of Defendant(s)

1. MR. ROBERT MCDONALD

2.

3.

4.

5.

- II.
- Statement of claim
- . Briefly state the facts of your case. Describe how each defendant is involved, and exactly what each defendant did, or failed to do. Include names of any other persons involved, dates, and places. You may use additional paper if necessary.

NOTRE ENCLOSED LETTER (COPY) TO SEC. MCDONALD & ITS 6 ATTACHMENTS.  
THE HONORABLE SEC. HAS PERSONALLY BEEN AWARE OF MY EMERGENCY,  
UN-SAFE & UN-FIT LIVING CONDITIONS SINCE 11-19-14; 2 DAYS

General Civil Complaint

AFTER I MAILED HIM THE ATTACHED LETTER & ITS 6 ATTACHMENTS, MR. McDONALD MAY NOT BE RESPONSIBLE FOR ANY VET'S TIMELY HEARING OF VET'S CLAIMS BEFORE HE BECAME THE SEC., BUT HE IS NOW. LAST NIGHT IT WAS 17 DEGREES AT 4:30 A.M. I GOT NO SLEEP AT ALL LAST NIGHT. EARLIER IN NOV. & OCT. I AVERAGED 3-4 HRS. PR NIGHT. SEC. McDONALD'S NON-FEASANCE IS GREATLY ENDANGERING MY HEALTH & SAFETY. I WILL IMPEACH THE SEC. W/HIS OWN QUOTES FROM 60 MINUTES, WHICH Aired 11-09-14, NATIONALLY.

III. Relief. Briefly state exactly what you want the court to do for you.

I AM ASKING THE U.S. DIST. COURT TO:

A. FIND THAT THE DEPT. OF VET'S AFFAIRS ULTIMATE SUPERVISOR, ROBERT McDONALD, SHOULD IMMEDIATELY SCHEDULE THE PLAINTIFF TO HAVE HIS APPEALS CLAIM HEARD, VIA VIDEO-CONFERENCE. THIS CASE CAN BE HEARD W/2 BUSINESS DAYS NOTICE TO THE PLAINTIFF AT THE SAGINAW VAMC, ON 4 BUSINESS DAYS NOTICE AT THE FEDERAL MCNAMARA BLDG. IN DETROIT.

B. FIND THE SEC. RESPONSIBLE TO PAY THE PLAINTIFF 135<sup>8</sup> PR WK., PRO-RATED FROM 11-21-14, THE CHEAPEST LOCAL WKLY HOTEL RATE, FROM THE LAST DAY<sup>MR</sup> APPEALS WERE HEARD IN DETROIT, 11-21-14.

THANK YOU

135 PR WK. UNTIL DECISION RENDERED & CLAIMS APPEAL

General Civil Complaint

IV. Additional Information. – Briefly enter any additional information, you may use additional paper.

IF THE SEC. WANTS TO KNOW WHICH NAME EMPLOYEE IS TOTALLY RESPONSIBLE FOR THE PLAINTIFF BEING ILLEGALLY EVICTED FROM 2 OF THE LAST 3 SHELTERS THE PLAINTIFF WAS IN OVER THE PAST 2 YRS ITS ERIC NORMAN, LMSW, HOMELESS VET'S OUTREACH CO-ORDINATOR. THE PLAINTIFF HAS FILED SEVERAL COMPLAINTS AGAINST NORMAN & NORMAN ADVISED THESE SHELTERS ON HOW TO HANDLE VET'S. THE PLAINTIFF HAS SUED ALL 3 OF THE ABOVE MENTIONED SHELTERS. RETALIATION.

V. Demand for Jury Trial. Check this box if you want your case to be decided by a jury, instead of a judge.
☐ Plaintiff demands a jury trial on all issues.
Dated: 11-18-14Michael A. Kelly

Plaintiff's Signature

Michael A. Kelly

Plaintiff's Printed Name

GENERAL DELIVERY

Street Address

BAY CITY MI 48707

City, State, Zip Code

N/A - AWAITING RECEIPT. PAPERS

Telephone Number

PMKLW1962@YAHOO.COM

E-mail Address

Debra J. Gallagher  
**Debra J. Gallagher**  
 Notary Public Bay County Michigan  
 Commission Expires 7/29/2019

On this 18 day of Nov, 2014Before me personally appeared Michael A Kelly

known to be the person(s) described in and who executed  
 the foregoing instrument and acknowledged that they  
 executed the same as their free act and deed.

BAY CITY MAIN PO  
BAY CITY, Michigan  
487089998

2539230211-0096

11/17/2014 (800)275-8777 04:50:29 PM

=====

Sales Receipt

=====

Product Description	Sale Unit Qty Price	Final Price
------------------------	------------------------	----------------

WASHINGTON DC 20420 Zone-4		\$0.70
First-Class Mail Letter		
1.40 oz.		

Expected Delivery: Thu 11/20/14

=====

Issue Postage: \$0.70

=====

Total: \$0.70

Paid by:

Cash \$0.75

Change Due: -\$0.05

Order stamps at [usps.com/shop](http://usps.com/shop) or  
call 1-800-Stamp24. Go to  
[usps.com/clicknship](http://usps.com/clicknship) to print  
shipping labels with postage. For  
other information call  
1-800-ASK-USPS.

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Get your mail when and where you  
want it with a secure Post Office  
Box. Sign up for a box online at  
[usps.com/poboxes](http://usps.com/poboxes).

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11-17-14

To: the HONORABLE SECRETARY of VET'S AFFAIRS, Mr. Robert(Bob)McDonald

From: Michael A. Kelly, handicapped Vet.

Re: My as of yet, unheard, Disability claim

Mr. Secretary –

I watched your interview on 60 Minutes, which aired on 11-09-14.

I was Impressed w/your words.

You claim that 1 report that crossed your desk recommended 1.000 or more

Current V.A. employees be fired. I feel that number is grossly under-estimated, Sir.

I've been going to the VAMC here in Saginaw MI. since 2007. I have no complaints w/the "Medical" treatment I've rec'vd at the Saginaw V.A.

It's the other stuff that needs to be addressed. I've filed complaint, after complaint, after complaint, over the lack of respect I've rec'vd from V.A. Social Workers and Spvsrs. I've had social workers make fraudulent entries in my file. I've been told by a program director that I need to take a "psych exam" before I am re-admitted inot a program that I graduated from 2 yrs. Earlier. I been the victim of breech of confidentiality as on 1 occasion my then Social worker, Mr. Kevin Larry, walked into a private conference I was having w/the Patient advocate. I was

"BATTERED" at a mediation conference while at the Saginaw V.A. on 04-10-14,

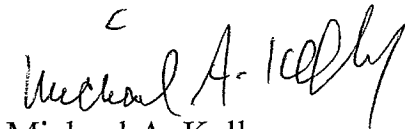
By a visiting AA Male from Detroit, Mr. Lawrence Carrol. A battered Patient report was taken by Social worker Mary Wegerski, and I filed a V.A. Police report over the incident in late April, 2014.

Sir – I am Handicapped, Homeless, unemployed, and over 50, w/no income.

I requested that my disability claim be EXPIDITED in May of 2014. If it were not for a close friend of mine, who holds a Masters Degree from MI.State, I would be sleeping outside, instead of his garage.

Please note enclosures 1 – 6. I believe they are self-explanatory.

If I do not have a notice of an upcoming video-conference re. my claim w/in the next 3 days a Law-suit against you will be filed Sir.

  
Michael A. Kelly,

Homeless, unemployed, handicapped Vet.

General Delivery

Bay City MI., 48707

e-address – [pmklw1962@yahoo.com](mailto:pmklw1962@yahoo.com)

cc: file

p.s.: I'd rather be working at the VAMC and even though I have 2 degrees I'd gladly scrub toilets just to be employed but the Saginaw VAMC has repeatedly

Discriminated against me via Retaliation. See failure to hire complaint

200j-0655-2014101779

  
Jennifer Manz  
Notary Public, Bay County  
Commission Expiration 12/27/2020

**Subject:** VA Claim  
**From:** Bennett, Jacob (Jacob.Bennett@mail.house.gov)  
**To:** pmklw1962@yahoo.com;  
**Date:** Tuesday, July 29, 2014 1:44 PM

Mr. Kelly,

Your most recent privacy release for was received by our office and we forwarded your inquiry to the Detroit Regional VA office. As soon as we get a response we will notify you.

**Jake Bennett**

Deputy District Director

Congressman Dan Kildee (MI-05)

801 S. Saginaw St.

Plaza Level

Flint, MI 48502

Phone: 810-238-8627

Fax: 810-238-8658

[www.dankildee.house.gov](http://www.dankildee.house.gov)



[Sign up for Congressman Dan Kildee's e-newsletter](#)

**Subject:** RE: Mr. Bennett I heard through Bay Co. Vet's council-Man, John Toussaint,  
**From:** Bennett, Jacob (Jacob.Bennett@mail.house.gov)  
**To:** pmklw1962@yahoo.com;  
**Date:** Tuesday, October 28, 2014 10:30 AM

Thanks. As soon as I get it I will send it on.

-Jake

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**From:** Mike Kelly [mailto:pmklw1962@yahoo.com]  
**Sent:** Tuesday, October 28, 2014 10:26 AM  
**To:** Bennett, Jacob  
**Subject:** Re: Mr. Bennett I heard through Bay Co. Vet's council-Man, John Toussaint,

Mr. Bennett -

thank you 4 pursuing my expedited claim.

I can't go to any of the local shelters as I've been banned from all 3.

I have been, for the past 11 nights, sleeping in my buddies garage.

There is no heat, electricity, or running water in my buddies wooden garage. I'm sure that will satisfy criteria 2.

"A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for Human Beings."

A letter from my friend and Host w/the garage will be forthcoming.

Thank You

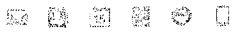
Michael A. Kelly

Homeless Handicapped Vet.

General Delivery,

Bay City MI., 48707





Compose

- Inbox (80)
- Drafts (249)
- Sent
- Spam (37)
- Trash
- > Folders
- > Smart Views
  - Unread
  - Starred
  - Important
  - People
  - Shopping
  - Finance
- > Recent

My Games



Recommended Games



More games >

RE: Fw: bennettexpidited2zipka - Dave - cou... Important

davsus@charter.net

Oct 29

To me

Mr. Bennett,

Mike Kelly is sleeping in a shed in my backyard. The shed is an uninsulated, barn type swinging door with no utilities. Please help as this is a temporary, not a permanent, solution.

David Szczypka  
2709 S. Monroe  
Bay City, MI 48708  
(989)-895-9943

On Tue, Oct 28, 2014 at 10:45 AM, Mike Kelly wrote:

night. Please remember to affix your address and telephone no., should the Board wish to confirm your statement. Thank You,  
Mike Kelly  
p.s. You may either give me this letter in Person or e-mail it. Thank You

On Tuesday, October 28, 2014 10:40 AM, Mike Kelly  
<pmklw1962@yahoo.com> wrote:

Find yearbook photos from:

1940	1950	1960	1970	1980
1941	1951	1961	1971	1981
1942	1952	1962	1972	1982
1943	1953	1963	1973	1983
1944	1954	1964	1974	1984
1945	1955	1965	1975	1985
1946	1956	1966	1976	1986
1947	1957	1967	1977	1987
1948	1958	1968	1978	1988
1949	1959	1969	1979	

classmates

Start now

2-3

To Bennett, Jacob

Mr. Bennett -

I just "forwarded" a note re. my homelessness and sleeping arrangement in my friends Garage.

If you think anything else would help re. the expediency of my Disability claim please let me know.

Thank You,  
Michael A. Kelly,  
Handicapped Vet.

On Tuesday, October 28, 2014 10:30 AM, "Bennett, Jacob"  
<Jacob.Bennett@mail.house.gov> wrote:

Thanks. As soon as I get it I will send it on.  
-Jake

3.4.

**Subject:** Mr. Bennett - Happy Friday Sir. I have some bad news to report  
**From:** Mike Kelly (pmklw1962@yahoo.com)  
**To:** jacob.bennett@mail.house.gov;  
**Date:** Friday, November 14, 2014 9:37 AM

I'm sure you've done all you can do to get me a seat at the  
next 11-14-14

Disability claims hearing in Detroit. The problem is the Board is meeting in Detroit on  
11-19 and I have not been invited. I've been at stage 3 appeal for over 14 months.  
My claim was supposedly EXPIDITED by Tom Mengesa, disability claims specialist, last  
May.

During the Last 6 months, as you know I've either been sleeping in the Park or at my  
buddies unheated, wooden garage, which has Mice. In June, July, and Aug. of 2014 my  
Sis. paid for 1 wks stay, pr. month at a local Hotel.

Sleeping in an un-heated garage, which has no electricity and no running water I risk  
catching

pneumonia. I'm going to the Post Office right now. If there is not an invitation from the  
Board of Review to

hear my case this month a Fed. Law-suit will be filed against the new Sec. of Vet's Affairs,  
Mr. McDonald.

I will Impeach him with his own words on 60Minutes.

A copy of this transmission will also end up in Fed. Court. Here in Bay City the Fed. Court is  
right above the U.S.Post Office.

Thank you for doing what you could.  
Sincerely,

Michael A. Kelly,  
Homeless, handicapped Vet.  
General Delivery  
Bay City MI., 48707

4.5.

Mr. thomas - (LANNIE) - DET- DISABILITY OFFICE  
People

- me
- 
- Today at 1:37 PM

To

- lannie.thomas@va.gov

Have you had any contact w/Jacob Bennett, Congressman Kildes aid re.  
my claim?

I am officially requesting you send me whatever papers I need to fill out re.  
a request

to have my case heard via e-conference.

I don't belive you or the Board realize how un-safe it is for a middle-aged,  
handicapped

Vet to be sleeping in a Mouse-infested garage this time of yr.

My phone is not working properly. Please send any info. re. my requests to  
me @

pmklw1962@yahoo.com. Thank You,

Michael A. Kelly,

Homeless, unemployed, handicapped Vet.

You can pdf video-conference request forms, can't you?

Prle.

JS 44 (Rev. 12/07)

## CIVIL COVER SHEET

County in which action arose BAY

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS McClure A. KellyDEFENDANTS SKP. OF VET'S AFFAIRS  
MR. ROBERT MCDONALD(b) County of Residence of First Listed Plaintiff BAY  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Case: 1:14-cv-14413  
Judge: Ludington, Thomas L.  
MJ: Morris, Patricia T.  
Filed: 11-18-2014 At 12:05 PM  
CMP Kelly v. McDonald (krk)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

## FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes

☒ No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

Notes :

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